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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 KEVIN A. STANFIELD,

12 Petitioner,

13 v.

14 BOB FERGUSON,

15 Respondent.

CASE NO. 3:20-CV-5663-JCC-DWC

ORDER SUBSTITUTING
RESPONDENT

16 Petitioner Kevin A. Stanfield, who is proceeding *pro se*, filed a Petition for Writ of
17 Habeas Corpus pursuant to 28 U.S.C. § 2254. Dkt. 1. In his Petition, Petitioner named the State
of Washington as Respondent. *See id.*

18 The proper respondent to a habeas petition is the “person who has custody over [the
19 petitioner].” 28 U.S.C. § 2242; see also § 2243; *Brittingham v. United States*, 982 F.2d 378 (9th
20 Cir. 1992); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). This individual typically is the
21 warden of the facility in which the petitioner is incarcerated. *Stanley v. Cal. Sup. Ct.*, 21 F.3d
22 359, 360 (9th Cir. 1994). If the petitioner is on probation or parole, he may name his probation or
23 parole officer “and the official in charge of the parole or probation agency, or the state

1 correctional agency, as appropriate.” *Ortiz-Sandoval*, 81 F.3d 891, 894 (9th Cir. 1996). In other
2 cases, the petitioner may name the state attorney general. *Id.*; *Belgarde v. Montana*, 123 F.3d
3 1210, 1212 (9th Cir. 1997).

4 Based on the address provided by Petitioner, it appears he has been released and may no
5 longer be in custody. Dkt. 1. However, it is not clear if Petitioner is on probation or parole. *See*
6 *id.* As Petitioner’s custody status is unclear, the Court finds it appropriate to substitute Bob
7 Ferguson, the Attorney General of the State of Washington, as the Respondent. If any party
8 believes that Mr. Ferguson is not the proper Respondent, the party shall file a motion to
9 substitute the correct respondent.

10 Accordingly, the Clerk of Court is directed to substitute Bob Ferguson as the Respondent
11 in this action. The Clerk of Court is also directed to update the case title.

12 Dated this 13th day of August, 2020.

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15 David W. Christel
16 United States Magistrate Judge
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